

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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INTERNATIONAL BROTHERHOOD OF ELECTRICAL )  
WORKERS LOCAL UNION NO. 1249 PENSION and )  
INSURANCE FUNDS, by Daniel R. Dafoe, as )  
Administrator; NATIONAL ELECTRICAL BENEFIT )  
FUND, by D.R. Borden, Jr. and Jon F. Walters, )  
as Trustees; NEW YORK STATE LINEMAN'S SAFETY )  
TRAINING FUND, by Richard French, as Safety )  
Director; NORTHEASTERN JOINT APPRENTICE AND )  
TRAINING FUNDS, by John Baker, as )  
Apprentice Director; and I.B.E.W. LOCAL )  
UNION NO. 1249, by William C. Boire, as )  
Business Manager, )

Plaintiffs, )

-against- )

SOUTH BUFFALO ELECTRIC, INC., and )  
Mark T. Buffington, Individually and as an )  
Officer of South Buffalo Electric, Inc., and )  
Arnold A. Paolini, Individually and as an )  
Officer of South Buffalo Electric, Inc., )

Defendants. )  
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STIPULATION OF  
CONDITIONAL  
DISCONTINUANCE

Civil Action No.  
5:07-CV-0333

It is hereby stipulated and agreed, by and between the undersigned counsel, the attorneys of record for all parties in the above-referenced action, no party being an infant or incompetent person or in the military service, that the action is settled and is conditionally discontinued, without prejudice, reserving Plaintiffs' rights to reopen the action and proceed with entry of judgment in

accordance with the Affidavit and Stipulation (Confession) for Entry of Judgment executed by the defendants on July 29, 2008.

Dated: August \_\_, 2008

Dated: ~~August~~ <sup>September</sup> 30, 2008

HODGSON RUSS LLP

BLITMAN & KING LLP

By: 


By: 

Catherine Grantier Cooley, Esq.  
Attorneys for Defendants  
Bar Roll No. 512312  
Office and Post Office Address  
The Guaranty Building  
140 Pearl Street  
Buffalo, New York 14202  
Telephone: (716) 856-4000  
Facsimile: (716) 849-0349  
Email: [ccooley@hodgsonruss.com](mailto:ccooley@hodgsonruss.com)

Jennifer A. Clark, of Counsel  
Attorneys for Plaintiffs  
Bar Roll No. 101356  
Office and Post Office Address  
Franklin Center, Suite 300  
443 North Franklin Street  
Syracuse, New York 13204-1415  
Telephone: (315) 422-7111  
Facsimile: (315) 471-2623  
E-mail: [jaclark@bklawyers.com](mailto:jaclark@bklawyers.com)

SO ORDERED:

Dated: Oct 8, 2008

  
Honorable Gustave J. DiBianco  
United States District Court Magistrate Judge

(coll\legal\SouthBuffalo-StpCondDis) jlr